

John Vidurek
1 South Drive
Hyde Park, New York
[12538]

August 26, 2013

(13 Civ. 4476)(VB)

Christopher Connolly
Assistant United States Attorney
86 Chambers Street
New York, New York 10007

RE: Notice of additional damages and new proposed settlement.

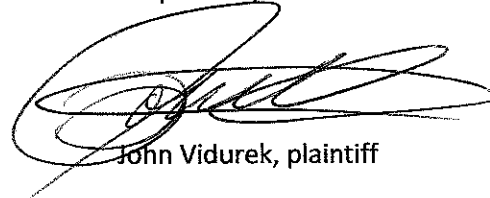
Dear Mr. Connolly

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/29/2013
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Due to further harassment by the IRS, see enclosed additional charges of harassment, plaintiffs objected and added additional charges to the defendants for their continued harassment while an "Action at Law" is in process under a "court of record" with additional injuries and damages assessed at \$50,000.00.

- (1) Restraining order not to harass.
- (2) \$127,000.00
- (3) Tax exempt judgment
- (4) Additional injuries and damages assessed at \$50,000.00

Respectfully



John Vidurek, plaintiff

cc: Honorable Vincent L. Briccetti ?

John Vidurek
Plaintiff
1 South Drive
Hyde Park, New York, 12539

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CASE NO. 13 CV ~~4479~~ 4476 (vB)

**RE: NEW YORK SUPERIOR COURT
COUNTY OF DUTCHESS
CASE NO. 3214/13**

John Vidurek, Kimberly Vidurek, Trade Winds Inc, Xylem Corp, Custom Built:
Plaintiff

v.

Steven T. Miller, Douglas Shulman, Ann Hagemeyer, Natalie Cassadine, Denise A Hutchinson,
IRS, Rhinebeck Savings Bank, Bradford Kendall, Hudson Valley Federal Credit Union, Adrian H.
Anderson:

DEFENDANTS

ADDITIONAL CHARGES OF HARASSMENT

New York Supreme Court, Dutchess County

John Vidurek, Kimberly Vidurek, Trade Winds Inc,)
 Xylem Corp, Custom Built:)

Plaintiffs)

- against -)

Steven T. Miller, Douglas Shulman, Ann Hagemeyer,)
 Natalie Cassadine, Denise A Hutchinson, IRS,)
 Rhinebeck Savings Bank, Bradford Kendall,)
 Hudson Valley Federal Credit Union, Adrian H. Anderson:)

Defendants)

INDEX NO 2013/3214

ADDITIONAL CHARGES
 OF HARASSMENT

DEFENDANTS ARE IN DISHONOR

Plaintiffs objects to defendants continued harassment by the IRS while an "Action at Law" is in process under a "court of record" and has been further injured. See attached Verified Notice and Demand.

WHEREFORE plaintiff moves the court for a default Judgment in favor of the plaintiff. And if this court is unable to remedy the plaintiffs with enforcement as follows then this case must be remanded back to the State court for remedy.

- i. Command and restrain the IRS under the Fourth Amendment to leave plaintiffs alone¹ without good cause, that being due process² in a "Constitutional Court"³ of Justice⁴ under the law of the land and not fiction (tax court⁵), and

¹ "...the right to be let alone the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the government upon the privacy of the individual, whatever the

- 30 ii. Damages in the amount of \$127,927.00 w/1% interest per month as prescribed and
 calculated in line 72 - line 79, from the conspirators collectively, namely Steven T.
 Miller, Douglas Shulman, Ann Hagemeyer, Natalie Cassadine, Denise A Hutchinson,
 IRS, and
- iii. Criminal penalties upon Steven T. Miller, Douglas Shulman, Ann Hagemeyer, Natalie
 35 Cassadine, Denise A Hutchinson, and others as the tribunal may deem just, and
- iv. Steven T. Miller, Douglas Shulman, Ann Hagemeyer, Natalie Cassadine, Denise A
 Hutchinson, IRS shall pay an additional \$25,000 for each personal informational
 property and/or monies for each account unlawfully seized (see line 62), and
- v. If IRS agents names are bogus and they do not identify themselves they will pay double
 40 the cost of a private investigator or bounty hunter to find them, and

means employed, must be deemed a violation of the Fourth Amendment". [Olmstead v. U.S., 277 U.S. 438, 478 (1928)].

² Due course of law, this phrase is synonymous with "due process of law" or "law of the land" and means law in its regular course of administration through courts of justice. [Kansas Pac. Ry. Co. v. Dunmeyer 19 KAN 542].

"...no man shall be deprived of his property without being heard in his own defense. [Kinney V. Beverly, 2 Hen. & M(VA) 381, 336] ♦ Amendment V of the Constitution of the United States provides: "No person shall—be deprived of life, liberty, or property without due process of law. A similar provision exists in all the state constitutions; the phrases "due course of law", and the "law of the land" are sometimes used; but all three of these phrases have the same meaning and that applies conformity with the ancient and customary laws of the English people or laws indicated by parliament; [Davidson V. New Orleans 96 U.S. 97, 24, L Ed 616].

³ New York State Constitution Article IV (b); United States Constitution Article III §1.

⁴ JUSTICE. [Bouvier's Law, 1856 Edition] The constant and perpetual disposition to render every man his due. Just. Inst. B. 1, tit. 1. Toulli er defines it to be the conformity of our actions and our will to the law. Dr. Civ. Fr. tit. prel. n. (5) In the most extensive sense of the word, it differs little from virtue, for it includes within itself the whole circle of virtues. Yet the common distinction between them is that that which considered positively and in itself, is called virtue, when considered relatively and with respect to others, has the name of justice. But justice being in itself a part of virtue, is confined to things simply good or evil, and consists in a man's taking such a proportion of them as he ought.; ♦ Luke 6:19 And the whole multitude sought to touch him: for there went virtue out of him, and healed them all.

⁵ 26 USC 7441: Status. "There is hereby established, under article I of the Constitution of the United States, a court of record to be known as the United States Tax Court. The members of the Tax Court shall be the chief judge and the judges of the Tax Court." ♦ 26 USC 7806(b) says that Title 26 is not the law. In other words, "No inference, implication or presumption of "legislative construction" shall be drawn or made by reason of the location or grouping of any particular section or provision or portion of this title..." - legislative construction means "law."

- vi. If the IRS hides agent defendants then those agents shall become co-conspirators and face criminal and civil charges by this court of record, and
- vii. For the purpose of collection all defendants, including the IRS, shall be treated as a collective.
- 45 viii. The Sheriff and deputies shall pay \$25,000 for each attachment (each account or other properties) to plaintiffs property, and criminal charges will apply if they execute said illegal lien, and
- ix. Rhinebeck Savings Bank and Hudson Valley Federal Credit Union shall pay \$25,000 per incident (robbery) per account for sharing plaintiffs personal informational property
50 with a third party, and criminal charges will apply, and
- x. Hudson Valley Federal Credit Union shall pay \$25,000 per incident (robbery) per account for giving monies to a third party, and criminal charges will apply if, and
- xi. If Hudson Valley Federal Credit Union freezes plaintiffs accounts it will infringe the plaintiffs use of their property and do business and therefore each day plaintiff is unable
55 to utilize accounts shall be considered an incident per account at \$25,000 per incident, and criminal charges will apply, and
- xii. Reimbursement for all expenses incurred to bring this action, including court costs, private investigator for collections, and poundage together with such other and further relief as might be just under the circumstances.
- 60 xiii. Additional damages for harassment, two incidents at \$25,000 per incident (fraudulent billing and Treasury agents sent to my home) for a total of \$50,000.00.

August 26, 2013



John Vidurek, plaintiff

NOTICE AND DEMAND

TO: JOHN and/or MARY DOE, Department of the Treasury, IRS, PO Box 9019, Holtsville, NY., 11742

You have sent¹ me, One of the a People² of New York, by policy³ or fraud⁴, either way I am damaged, an unsworn inchoate demand for money with a threat under the color⁵ of law⁶ to extort money from me, by using a "fraudulent bill, Notice CP21A, ie an unsworn defective instrument dated September 2, 2013. Copy attached.

You intentional falsified a public record i.e claiming that I have requested some action to an IRS form, I did not, and I have not consented to any of your actions against me, you are to immediately rescind the document, and you are to immediately correct your records.

In a correspondence from the IRS dated August 7, 2013 (exhibit evidence) it was determined by Agreement of parties by the executive management of the IRS , as I have been saying for over a year in writing and sworn affidavits, that I was not required to file a tax return for the year in question and that the tax matter has been closed and that there is no action necessary on my part.

Presently we are in an open "court of record" over this matter and it is inappropriate that you continue to harass, oppress tamper with and badger the federal and state court witnesses including me by sending Treasury agents and a fraudulent bill, by these actions ...

YOU ARE IN DISHONOR

¹ "An unconstitutional act is not law; it confers no rights; it imposes no duties..." Norton v. Shelby County 118 U.S. 425

² "the people of the several States are absolutely and unconditionally sovereign within their respective territories" The Ohio Life Insurance and Trust Company v. Henry Deboft, Treasurer of Hamilton County, 57 U.S. 416, 16 How. 416, 14 L.Ed. 997 (1853)

³ "Policy never becomes law no matter how well used or well accepted. Policy never gains legal authority by usage." Hall v. State, 933 S.W.2d 363, 326 Ark. 318. [Emphasis added]

⁴ *63C Am.Jur.2d, Public Officers and Employees, §247* "As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer. [1] Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. ..[3] and owes a fiduciary duty to the public... [4] It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual. [5] Furthermore, it has been stated that any enterprise undertaken by the public official who tends to weaken public confidence and undermine the sense of security for individual rights is against public policy. Fraud in its elementary common law sense of deceit-and this is one of the meanings that fraud bears [483 U.S. 372] in the statute. See United States v. Dial, 757 F.2d 163, 168 (7th Cir1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public, ... and if he deliberately conceals material information from them, he is guilty of fraud. McNally v United States 483 U.S. 350 (1987) [Emphasis added]

⁵ Color -- An appearance, semblance, or simulacrum, as distinguished from that which is real. A prima facie or apparent right. Hence, a deceptive appearance; a plausible, assumed exterior, concealing a lack or reality; a disguise or pretext. (Black's Law Dictionary, 6th Ed.)

⁶ Color of law -- The appearance or semblance, without the substance, of legal right. Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under "color of state law." (Atkins v. Lanning, 415 F. Supp. 186, 188)

Your actions continue to inflicted injuries upon me namely extortion and thereby damages namely depression, fear of loss of property, mental and emotional stress and anguish loss of sleep, and through these actions a loss of substantive rights. If these conditions continue unabated to grow I will resume my lawsuit and pursue additional criminal charges against (all) the individuals additionally criminally responsible. I will add additional punitive damages to the existing Action at Law presently before a "court of record" Whereas it is imperative that I should make you and your agents cohorts aware of the following:

CONSPIRACY AGAINST RIGHTS: If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured - They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death. [18, USC 241]

DEPRIVATION OF RIGHTS UNDER COLOR OF LAW: Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death. [18, USC 242]

CIVIL ACTION FOR DEPRIVATION OF RIGHTS: Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of

this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia. [42 USC 1983]

CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS: Depriving persons of rights or privileges: If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators. [42 USC 1985(3)]

ACTION FOR NEGLECT TO PREVENT: Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefore, and may recover not exceeding \$5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued. [42 USC 1986]

You and your agents have a duty "not to cause me injury"⁷, you are currently breaching that duty by (1) lying, and (2) extorting by (3) fraudulent means.

THEREFORE, I, John E. Vidurek DEMAND that you, in good faith, do your duty by (1) correcting your files and (2) send me by certified mail your letter of correction within 10 days.

⁷ The moral, public, and private laws that require him to not cause you injury (e.g. Ten Commandments; Bill of Rights, 18 USC Sec. 241, 242; 42 USC Sections 1983, 1985, 1986; and your own rules).

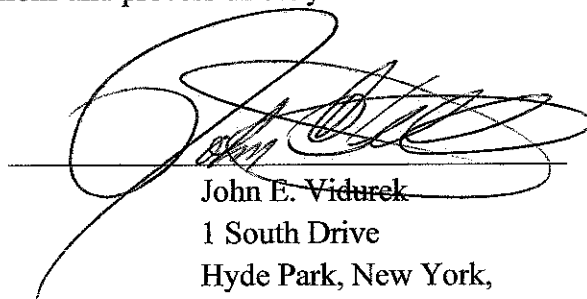
If you do not do as demanded within the allotted time, then by tacit procuration I will determine for you the facts, your duties, and the damages you owe me.

If you do not perform as demanded, I will take lawful action in personam and in rem to prosecute charges against you, and persons acting in concert with you, who cause or attempt to cause said injuries; to secure my substantive rights; and to redeem the damages owed to me.

If you fail to satisfy the demand within the allotted time after having been duly served with this notice and demand, then by tacit procuration I, John E. Vidurek or my nominee or my assigns will determine for you the following:

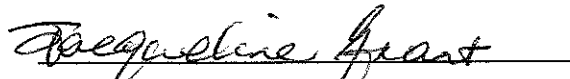
1. That the aforesaid demand is just,
2. That a court of record in New York may enforce the demand either ex parte or con parte,
3. That you, and each of you, concur and are satisfied with the justness of the demand, and the process by which the demand shall be enforced.

Pursuant to federal and state law Please do not contact John E. Vidurek by telephone or (unannounced without permission granted first) In order to avoid any misunderstanding, all communications shall henceforth be on the record, i.e. in writing ,properly sworn before a notary public and duly served. Please serve all communications and process directly to:


John E. Vidurek
1 South Drive
Hyde Park, New York,
[12538]

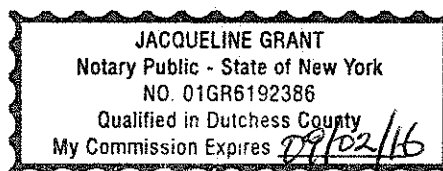
NOTARY

New York State, Dutchess County on this 26th day of August 2013 before me Jacqueline Grant the subscriber, personally appeared John Vidurek to me known to be the living man describe in and who executed the forgoing instrument and sworn before me that he executed the same as his free will act and deed.


Notary

My commission expires: 09/02/16

(Notary Seal)





Department of the Treasury
Internal Revenue Service
P.O. Box 9019
Holtsville, NY 11742-9019

065982.360763.0278.005 1 AT 0.384 540



Notice	CP21A
Tax Year	2009
Notice date	September 2, 2013
Social Security number	100-44-3011
To contact us	1-800-829-8374
Your Caller ID	578085
Page 1 of 2	17H



JOHN E VIDUREK
1 SOUTH DRIVE
HYDE PARK NY 12538

065982

Changes to your 2009 Form 1040A

Amount due: \$80.64

We made the changes you requested to your 2009 Form 1040A to adjust your:

- account information
- penalty charge

As a result, you owe \$80.64.

Billing Summary

Account balance before this change	\$ 124,842.43
Decrease in tax	-81,413.00
Decrease in failure-to-file penalty	-18,317.92
Decrease in failure to pay proper estimated tax penalty	-1,949.01
Decrease in failure-to-pay penalty	-13,433.14
Decrease in interest	-9,648.72
Amount due by September 23, 2013	\$80.64

What you need to do immediately**If you agree with the changes we made**

- Pay the amount due of \$80.64 by September 23, 2013 to avoid additional penalty and interest charges.

Continued on back...



JOHN E VIDUREK
1 SOUTH DRIVE
HYDE PARK NY 12538

Notice	CP21A
Notice date	September 2, 2013
Social Security number	100-44-3011

**Payment**

- Make your check or money order payable to the United States Treasury.
- Write your Social Security number (100-44-3011), the tax year (2009), and the form number (1040A) on your payment and any correspondence.

Amount due by September 23, 2013

\$80.64

INTERNAL REVENUE SERVICE
CINCINNATI, OH 45999-0149



100443011 BV VIDU 30 0 200912 670 00000008064

AFFIDAVIT OF SERVICE

New York State)
) ss:
Dutchess County)

I, James Vidurek, being duly sworn, deposes and says: I am not a party to this action and am over 18 years of age. On the 26th day of August, 2013, I served the within **NOTICE & DEMAND** upon the defendant(s) whose names and addresses is set forth below, by delivering a true copy thereof and mailing them to the respective offices, addresses listed below at the US Post Office.

- Dept of the Treasury; IRS; PO. Box 9019, Hultsville, New York, 11742-9019

(Signature) James A Vidurek
James Vidurek

NOTARY

New York State, Dutchess County on this 26th day of August 2013 before me Jacqueline Grant the subscriber, personally appeared James Vidurek to me known to be the living man describe in and who executed the forgoing instrument and sworn before me that he executed the same as his free will act and deed.

My commission expires: 09/02/16
(Notary Seal)

Jacqueline Grant
Notary

